

Mr. George Gentry, Executive Officer  
California Board of Forestry  
P.O. Box 944246  
Sacramento, CA 94244-2460

4 October 2007

Dear Mr. Gentry,

As a practicing RPF that has been actively developing and submitting Timber Harvesting Plans for 14 years and as a forester that has worked in the profession for over 30 years, I am committed to basing all of my opinions and decisions on the best available science. I also believe in following the protocols prescribed in the Forest Practice Rules and I feel that the Z'Berg-Nejedly Forest Practice Act has lead to the best forest practices in the nation, if not the world. I feel qualified to state this because of my professional experience in five states and three countries outside of the United States. With a background in multiple-use management of our forest resources and a minor in wildlife biology, nine years service as a director of the Amador Resource Conservation District and an avid fisherman, I am also committed to the protection of all the biological resources that we find in our forests.

Having said all of this, I must state that I am very concerned and frequently frustrated by the manner in which the California Department of Forestry and Fire Protection is abdicating its responsibilities in the evaluation and approval of Timber Harvesting Plans by allowing the Department of Fish and Game to impose de facto rules without the same degree of scientific justification as is demanded of the RPF writing the plan and without going through the process of having their de facto rules reviewed by the Board of Forestry.

My personal experience in this is typified by my having stated that a particular THP area contained suitable nesting habitat for the Northern Goshawk, though no nests were noted and no individual birds were seen over a twelve year period. I stated that as per 14 CCR 959.3(b) (4), the discovery of an active nest would result in the establishment of a five (5) acre buffer zone of no operations around the nest and that a consultation with CDF and DFG would be initiated. The response I received from the Review Team was that DFG was recommending an immediate shut-down of logging within a 125 acre area around Northern Goshawk nests and an immediate shut-down of operations within an 18 acre area around any other raptor nest. I responded that the FPR required the five acre area around Northern Goshawk nests and that the Director could increase the area to 20 acres "*When explained and justified in writing...*". The response I received was that DFG recommended this and that I should respond. I could go on in great detail as to how I responded to a number of similar communications with the review team. While I provided much information as to my justifications for adhering to the rules, how I had evaluated the area over many years of having managed the property, documentation of the range of opinions regarding required protection for Northern Goshawks and other raptors, I have never received anything approximating a scientific justification for DFG's "recommendation". And given the responses from the CDF Fresno office, I must conclude that these are not really "recommendations", rather they are "requirements". And when I receive a request from CDF to respond to a DFG question as to whether I have surveyed for a sensitive plant in Sheep Ranch at 3200 feet elevation when the plant is well known to grow only in Lone, CA at 500 feet elevation, I wonder if the Review Team is cognizant of their authority as the lead agency under CEQA. It seems to me that a true professional needs to take his/her job as the final arbiter of the overall evaluation seriously and not consider unscientific, unprofessional and frivolous questions that seem to only delay and impede the approval of plans that obviously have an insignificant chance of causing negative effects. I fully understand that CDF is required to solicit and evaluate input from other agencies in the review of THPs, but the fact is that no evaluation of the scientific efficacy is being done. Anticipating an objection to that statement, I will say that if evaluations were being done, many of DFG's "recommendations" would be responded to with a simple "Thank you for your input."

I believe that the Board of Forestry needs to take action to halt what is obviously a successful attack on the rule-making protocol for timber harvesting in California. The Department of Fish and Game is creating rules that are changing on what sometimes appears to be a daily basis and it constitutes underground legislation. I have been the team leader on numerous Environmental Assessments for the USDA Forest Service and I have

also participated in the development of two Environmental Impact Statements for the USFS. I also participated as a member of the Interdisciplinary Team for an EIS that was developed for a forestry project in Central America. My work as an RPF in the last 14 years has resulted in the approval of over 100 THPs, four NTMPs and many CFIP management plans. I always prefer "product" over "process", but I understand and respect the need for process. But what CDF is allowing to happen is a violation of process and is unfair to the forest landowners that are required by the Z'berg-Nejedly Forest Practice Act to hire a forester, develop a THP or NTMP. Those forest landowners expect to comply with the Forest Practice Rules and they expect that the regulatory agencies will also respect and comply with the rules. The Board is past due in requiring the Department to adhere to the Forest Practice Rules and to require the other agencies that participate in the review of THPs to do the same. If no action is taken, I see no reason for the existence of the Forest Practice Rules or the California Department of Forestry and Fire Protection. Some of my landowners are questioning why they should keep their land as productive forest land. One landowner asked me if this type of underground rule making could lead to other agencies adding more stringent requirements to the process. My response was I felt that it was entirely possible and logical for that to happen. His reaction to my comment was that he couldn't see why he shouldn't consider the subdivision of his property for housing if he couldn't expect that tree farming would be feasible.

I need for you to advise me how this issue should be brought to the attention of the Board of Forestry and the Director of the Resources Agency. I am only one forester of many that is experiencing this travesty. I'm sure that you understand the long term implications of this situation and I hope you can help me, other foresters and the forest landowners of California resolve it. I have been accused of being a hopeless optimist in the past and perhaps that is what is driving me to write to you. I hope you can justify my optimism.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cannon", with a long horizontal flourish extending to the right.

Steve Q. Cannon  
Registered Professional Forester #2316